

Burger

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A

SHORT ACCOUNT
OF THE 4 g. d.
ROMAN SENATE,
AND THE
Manner of their PROCEEDINGS.



L O N D O N :

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REPORT OF THE

COMMISSIONER

OF THE

LANDS

AND MINES



To the Noble and Right Honourable

Sir *ROBERT WALPOLE*,

SIR,

THE *Romans*, who had as just a sense of honour as any people in the world, set the highest value upon the title of *FIRST SENATOR*, which was generally given to men of uncommon experience and abilitys, who were qualified to speak to any question, as soon as it was moved in the house, with great judgment and advantage.

To merit this illustrious title, must require all those rare and excellent accomplishments, that are most proper to render a man both useful, and dear to his country; where the rights and libertys of a nation depend upon the proceedings of a Senate.

Aemilius Lepidus received this honour from six succeeding Censors, a rare instance of constant regard to true merit. But to gain, and support the fullest persuasion both from friends, and enemies, thro' three successive

DEDICATION.

ſucceſſive reigns, of the greateſt knowledge, the trueſt eloquence, and ſteddy zeal for our common rights ; ſeems to be a happineſs no leſs peculiar to yourſelf, than the other was to that eminent *Roman* Senator.

The only aſſembly this day in the world, that bears any great reſemblance to the *Roman* Senate, either in the freedom of their debates, or the influence of their reſolutions, ſeems to be the *British Parliament*.

But nothing can manifeſt a more glorious reſemblance between us, and them in the beſt of times, than unanimity, and zeal for the common intereſt, free from prejudice, or private views ; which, after the prudent and ſucceſſful meaſures already taken, can't fail to ſecure the happineſs of our country, the glory of our Sovereign, and the great deſign of the preſent adminiſtration.

The accompliſhment of which grand event, as it is your main care and concern, ſo the ſucceſs of it is attended with the hearty wiſhes of all true *Britons*, and particularly of, S I R,

Your Honour's moſt obedient,

and moſt humble ſervant,

D. BURGES.

T H E

ROMAN SENATE, &c.

THE people of *Rome* were distributed into three ranks, the Senatorian, Equestrian, and Plebeian: and by some remarkable changes in their constitution, a way was opened for any eminent Citizen, whether Knight or Commoner, to advance himself to the rank of a Senator: for if he had signalized himself by any extraordinary service, and had interest enough with his countrymen, to be chose into any considerable post in the Government, he was qualifeyed to be put on the Censors list; or, which is the same thing, to be chose into the Senate; unless a slender fortune, or some blemish in his reputation, stood in his way.

After the first institution of the Senate by *Romulus*, who named but one, and allowed the people to choose the other ninety nine; he and his successors assumed the prerogative of filling up the places of those that dyed.

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These hundred were the *Patres*^a or Fathers. The honour descended to their posterity, who were the *Patricians*, and so was confined to particular familys. The Equestrians and Plebeians being excluded, unless when a Patrician family came to be extinct. Another hundred, or as some say fifty,^b with the same dignity, were added to them, upon the union of the *Sabines* in the reign of *Romulus* and *Tatius*; and a hundred more by *Tarquinius* the first^c.

Upon the expulsion of the Kings, *Brutus* and his colleague *Valerius* soon took care to fill up the Senate; which was lamentably reduced under the tyranny of *Tarquinius* the second: so that out of three hundred there did not remain one hundred and fifty. And they did it in a manner that wonderfully reconciled the people, who had entertained some disgust at that order, because the posts of honour and profit, and the publick lands, were all engross'd by them; therefore the Consuls, to satisfy the people, nominated the principal men of the Equestrian rank, and left them to choose; who were greatly pleased to see so many commoners called to sit in that august assembly, and by virtue of *their choice* put upon a level with the old Patricians,

^a Patres certe ab honore, patricii-
que progenies eorum appellati. Liv.
1. 8.

λα πενήκοντα τὲς ἐπισελθόντας
εἰς τὴν βουλὴν ἀποφαίνουσι γενέσθαι.
Ibid.

^b Ἐδόξε τοῖς βασιλεῦσιν, ἐπει-
δὴ πολλὰ ἐπιδόουν εἰς ὄχλῳ πλῆ-
θος εἰλήφει, διπλάσιον τῷ προτέρῳ
ποιῆσαι τὸν τῶν πατρικίων ἀριθ-
μὸν. Dionys. Hal. Antig. L. 2.

^c Ολίγοι δὲ πινες, ἐξ ἧς τὸν ἀλ-

^c Nec minus regni sui firmandi,
quam augendae reipub. memor, cen-
tum in patres legit, qui deinde mi-
norum gentium sunt appellati: factio
haud dubia regis, cujus beneficio in
curiam venerant. Liv. 1. 35.

a trust was committed to them. But an authority to expel men of the greatest dignity, for such crimes as they thought unbecoming their rank, which they often made use of, with the utmost severity, was much greater; because the power of choosing into the Senate, was in a great measure limited by the qualifications of those, from whom either by law or custom they ought to choose.

For no man was thought fit to be a Senator who was not arrived to twenty eight or thirty years of age, and who had not served in some considerable post in the government, of which a *Quaestor* was the lowest. The people therefore who had the disposal of these places, and bestowed them by suffrages at their annual assemblies, † had indeed the principal hand in choosing the Senate, and the Censors themselves on this account were little more than their servants, or agents employed under them.

Cicero therefore ascribes it to the favour of his countrymen, that he was made a Senator, § because by his interest with

sibi legebant, sublegebantque quos in consilio publico haberent, ita post electos eos, consules quoque, & tribuni militum consulari potestate, conjunctissimos sibi quosque patriciorum, & deinde plebeiorum legebant; donec *Ovinia* tribunicia intervenit, qua sanctum est ut censores ex omni ordine optimum quemque curiatim in senatu legerent. Quo factum est ut qui praeteriti essent, & loco moti, haberentur ignominiosi. *Festus* in V. praeteriti.

† Amici dona Quiritis. *Hor.*

§ Sed tamen nihil de me tulisti quo minus essem, non modo in civium numero; sed etiam in eo loco, in quo me honores populi Romani collocaverunt. *Pro domo* 31.

with them, which he got chiefly by his eloquence, ^h he who was of an Equestrian family, was chose into those offices, from which a man could hardly fail of being advanced to the Senate. The Censors for the most part, if not always, making their lists from gentlemen who had served in those posts with reputation; besides every such person had a right of coming into the Senate and giving his opinion when ask'd, by vertue of his office; tho' not of voting as a Senator.

The seminary out of which the Senate was generally supplied, was the Equestrian rank, which consisted of gentlemen of birth, fortune, and liberal education, who therefore had interest in their country, if they applyed themselves to publick business, to be chose into those places that paved their way into the Senate. The same noble author therefore speaking of some gentlemen who prefer'd a quiet and retired life, before the hurrys and fatigues of business, allows, *they might as well as others have advanced themselves to the rank of Senators, by getting into places, but they chose rather to continue in the rank wherein their fathers left them.* ⁱ

Atti-

^h Unum igitur annum cum rediissemus ex Asia, causas nobileis egimus, cum quaesturam nos, consulatam Cotta, aedilitatem peteret Hortensius. *Brut. sive de clar. Orator. 92.*

Atque (ut multa omittam) in hoc spatio, & in iis post aedilitatem annis, & praetor primus, & incredibili populari voluntate sum factus. Nam cum propter assiduitatem in causis, & industriam, tum propter exquisitius & minime vulgare orationis genus,

animos hominum ad me dicendi novitate converteram. *Ibid. 93.*

ⁱ Dicerent, se potuisse iudicio Populi Romani in *amplissimum locum* pervenire si sua studia ad honores petendos conferre voluissent, sese vidisse, in ea vita qualis splendor inesset, quanta ornamenta, quae dignitas: quae se non contempsisse, sed ordine suo patrumque suorum contentos fuisse. *Pro Cluent. 56.*

Atticus, *Cicero's* intimate friend, was a gentleman of this temper: he had from his ancestors the dignity of a Knight, and without any desire of advancing himself continued in it to the last, tho' he had all the advantages of a very ancient family, the most powerful friends, and the greatest accomplishments to recommend him, and might easily have raised himself, not only to the rank of a Senator, but to the highest posts in the government, yet he chose to spend his life and estate in a private station. His great pleasure lay in his studies, and in the friendship and conversation of the greatest men at *Athens* and *Rome*.^k

And *Livy*, when he mentions the Censors filling up the Senate, frequently tells us how many were pass'd by of those who had served in such posts, as qualified them to be chose^l; and who ought to have been chose, if some obstacle had not prevented; ^m which might be because there was some slur upon their reputation, or because the number of Senators was compleat without them. Tho' *Dion Cassius* ⁿ says, that in the year 693. all who had served in magistrates places were by the Censors chose into the Senate, notwithstanding they exceeded the limited number.

None therefore were admitted into the *Roman* Senate who by reason of youth, or ignorance of publick affairs, could be
ac-

^k *Cornelius Nepos*.

^l Quatuor soli praeteriti sunt, ne-
mo curuli usus honore. *Lib.* 38. 28.

^m Octoginta praeterea aut Senato-
res, aut qui eos Magistratus gessif-
sent, unde in senatum legi deberent.
Liv. 22. 49.

ⁿ Ἐν ᾧ δὴ τῷ ἔτει ἐκείνῳ οἱ
πρῶτοι πάντας τῶν ἐν ταῖς
ἀρχαῖς γερουσιῶν εἰς τὸ βουλευτι-
λὸν, καὶ ὑπερ τὸν ἀριθμὸν ἐπέ-
γευσαν. *Lib.* 37. 30.

accounted perfectly raw and unexperienced ; the laws requiring, that the office of *Quaestor*, which was the first post that qualified a man to be a Senator, should not be given to any under twenty seven years of age, and after that, he was obliged to wait till the next review of the citizens, which the Censors took every fifth year only, so that he might wait three or four years after he had served that office, before he could be chose a Senator.

Whether it would not have been better to inure and form the minds of young gentlemen, by letting them earlier into the debates of that wise assembly, I am not to examine ; however, it gives us a grand notion of this venerable body that the youngest members were about thirty years of age, and very few so young. In this respect they kept up to their first institution, when they were chose principally with regard to their age and experience, and were called fathers not only from their age, but from the most tender solicitude for the welfare of their country, and of posterity.

At the same time they took care to guard against the infirmities of old age ; for when a man was turned of sixty five, he was excused from attending the house, and only permitted to come if he pleased. And they were not only to be men of mature age and judgment, but it was requisite to have served in some post of the government, that they might have some tolerable notion of the affairs of the state, before they were allowed to deliberate and determine about them.

But tho' the place of *Quaestor* qualified a man to be a Senator, yet did not immediately qualify him to be a speaker ;

er; he had some time after that allowed him to hear and learn, before he was called upon to speak his own sentiments, and all that while could give his vote no otherwise than by falling in with the opinion of some older Senator. But in order to have a clearer notion of this matter, it will not be improper to consider a little the method which the *Romans* took to advance themselves in their country's service, which was generally this.

First they served in the army and got to be *Tribunes of the Soldiers*. There were six of these officers in every legion, which consisting of six thousand men, each tribune had the oversight of one thousand. Their business was to take care of the soldiers pay and provision, to see they did their duty, and to summon the citizens, and officers who had served before, to attend the Consul, when the publick affairs required an augmentation of their forces. And then they assigned every man his proper post. This was a place of so great honour that Senators themselves were sometimes put into it.

Then they stood for the place of *Quaestors*, some of these had the care of the treasury at *Rome*, and others received the taxes and revenues belonging to the *Roman* government in the provinces. Each Consul and President of a province had a *Quaestor* under him, who was to see that the government's share of all the spoils taken from the enemy should be sold, and the money paid into the treasury.

The next step was to be *Tribune of the People*. This office was introduced for the defence of the commons, against the

the severity of the noblemen. Their power very much lay in interposing, and hindering the proceedings of the Senate; and was so exorbitant, that nothing could pass, if they enter'd their protest: And tho' there were ten of them, yet a single negative was a check upon the Senate, against the consent of the other nine. They had likewise power to assemble the people in their tribes, and to refer publick affairs to them; and what passed there had the force of a law.

Then they rose to be *Aediles curules*, or commissioners of the temples and publick buildings. The management of the publick shews and solemn sports belonged to them; and they took care of the importation of corn, and the distribution of it at a moderate price to the citizens.

The office of *Praetor* followed next, which was at first instituted to relieve the Consuls, that they might be free to attend the publick service in their country's wars. The Praetors therefore, took that part of their office which lay in administering justice at home; they held courts of equity, which were regulated by their own authority: one presided over the controversies between the *Roman* citizens; the other between citizens and strangers. The former was the more honourable, and had the power of assembling the Senate in the Consuls absence: when the *Roman* empire was enlarged, and the provinces multiplied, their number was encreased in proportion.

The highest post of all was that of the *Consuls*, who presided over the Senate, and people too; and had the chief management of affairs in both their assemblys, and the principal direction of all military affairs: they had the command.

mand in the most important wars, and to them belonged the executive power; for which reason they were attended with twelve Lictors, as the Praetors were with six, each carrying a bundle of rods girt about an ax, for the terror and punishment of offenders.

The Censors were generally chose from men who had served the consular office: their business was to take an account of the *Roman* citizens, of their number, and estates, real and personal; and so to compute the strength of the government, and to tax every one in proportion to his ability: they likewise examined into their conduct, and disposed of every one in his proper rank, and degraded those who were guilty of notorious misdemeanours.

All these posts, except some of the military Tribunes, were disposed of by the choice of the people, tho' not always in this order; for sometimes they granted a dispensation to men of extraordinary merit, and chose one who had been only Quaestor or Aedile into the place of Consul: nay, *Pompey*, by a special indulgence, was chose Consul before he was Quaestor or Senator, and before he was of the age requisite for that office.

The qualifications principally regarded in the candidates, before corruption prevailed, were a good acquaintance with military affairs, or some considerable action in the field; a good understanding of the laws of their country, eloquence, ° and zeal for the publick: tho' the last was often made a
pre-

° Q. enim Pompeius non contemptus sine ulla commendatione *majorum* orator, temporibus illis fuit, qui est adeptus. *Cic. Brutus* 25.
summos honores, homo per se cogni-

pretence by designing persons to strike at men of the greatest dignity, and to distress them with vexatious prosecutions, as robbers of the state; their only aim being to advance themselves upon the ruin of better men.

But in the latter times of the republick, every thing gave place to the influence of money and birth; except in that extraordinary juncture, when the conspiracy of *Catiline* put the city into such a consternation, that *Cicero* was pointed out by the necessity of the times, and with the truest honour chose Consul, for his uncommon abilities, and known love to his country. ^p

None of these posts did of itself make them Senators, but only gave them a right to be present in the Senate; and qualified them to be chose by the Censors. Nay, the *Romans* seem to have been more cautious of admitting any into the rank of Senators before the lawful age, than of choosing them into the highest offices in the state: for *Pompey*, tho' he was a great favourite both with the Senate and people, and had gained many important victorys, and the honour of a triumph, and an indulgence to be chose chief magistrate before he had served any of the inferior ones; yet he continued all this while in the quality of a Knight, and was not chose a Senator for several years after he was Consul: nay, he complains of some hardships, as if he had been neglected af-

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ter

^p Ea res in primis studia hominum accendit ad consulatum mandandum *M. Tullio Ciceroni*. Namque antea pleraque nobilitas invidia aestuabat, & quasi pollui consulatum cre-

debant, si cum quamvis egregius, homo novus adeptus foret: sed ubi periculum advenit, invidia atque superbia post fuere. *Sallust. de bello Catilin.* 24.

ter he was in all respects qualified : for in a speech to the people, wherein he reckons the services he had done his country were more than the years he had lived ; *What dangers* (says he) *did I encounter in Spain, before I was chose into the Senate ?* ^q

The superior Priests had likewise access to the rank of Senators. ^r None indeed by vertue of their priesthood, except the *Flamen Dialis*, ^f or priest of *Jupiter*, who had a peculiar right to a seat in the Senate annexed to his office, and sat there in his embroidered gown, his flame-colour'd cap, and chair of state. The other Priests were advanced the same way as other gentlemen, by being enrolled on the Censor's list, after they had served in some great post of the government.

The *Roman* Senate therefore consisted only of such persons as had served in places of the highest trust, either in the army, or in the treasury, or in the law ; and some in the highest post of all, which was little inferior to the dignity of sovereign Princes, otherwise than as it was annual. There was
always

^q "Ὅσα δὲ ἐν τῇ Ἰβηρίᾳ ἐκινδυνεύσα, μὴδὲ βελούων πῶ. *Dion. Cass.* p. 13.

^r Kal. Octob. habetur senatus frequens, adhibentur omnes pontifices qui erant senatores. *Cic. ad Attic.* 4. 2.

^f Is ut animum ejus cura sacrorum & caeremoniarum cepit, ita repente exiit antiquos mores, ut nemo in tota juventute haberetur prior, nec pro-

batior primoribus patrum, suis pariter alienisque esset. Hujus famae consensu elatus ad justam fiduciam sui, rem intermissam per multos annos, ob indignitatem flaminum priorum repetivit ; ut in senatum introiret. Ingressum eum curiam, quum L. Licinius praetor inde eduxisset, tribunos plebis appellavit flamen. Vetustum jus sacerdotii repetebat : datum id cum toga praetexta, & cella curuli & flaminio esse. *Liv.* 27. 8.

always a considerable number of these in the Senate, men of the Consular dignity, who had some distinguishing marks of respect; their opinions being asked before others, and generally more regarded. Every member took place according to the office wherein he had served last; as first, men of the Consular rank, then Praetorians, and the rest in order.

The junior Senators were called *Pedarians*,^t not because they walked on foot to the house; for so the greatest Senators used to do, as appears from the instance of *C. Metellus*,^u who, for some eminent service, had the honour allowed him to be always carried in his curule chair: but because they were not ordinarily called upon to speak their own opinions; but, in giving their votes, went into what some senior Senator had offer'd before.

There were other qualifications, which the Censors were obliged to observe in choosing the Senate: for,

First, They were to be men of a clear character, free from the imputation of any thing that was accounted sordid or infamous; particularly, they were not allowed to job, or traffick in any kind: for, in the year 535. there passed a law, that no Senator, or father of a Senator, should keep a vessel

^t Caput sine lingua pedaria sententia est. *A. Gell.* 3. 18.

Pedarium senatorem significat *Lucilius*, cum ait: agipes vocem mittere coepit. Qui ita appellatur, quia tacitus transeundo ad eum, cujus sententiam probat, quid sentiat indicat. *Festus in V. Pedarium.*

^u When the temple of Vesta was on fire, Metellus ventured thro' the flames and saved the Palladium, but lost his eyes, this honour was given him for a recompence; which Pliny calls great and sublime, pro oculis datum. 7. 44

vessel of a burden above three hundred amphora's or about twelve tons, * which was judged sufficient to carry all the produce of their own lands : but when avarice prevailed, this law came to be very much neglected. † And with respect to criminal causes, they were innumerable, for which the Censors either expell'd, or passed them by, and sometimes very trivial.

Secondly, They were to be *Roman* citizens. In ancient times they were all Patricians; but when the Plebeians were admitted, this name was no more the proper distinction of a Senator, but only of an ancient and illustrious family: for there were several Patricians of the Equestrian, and some of the Plebeian rank, and many Senators who were not Patricians, tho' they were greatly esteemed on account of their ancestors; and there were some offices that peculiarly belong'd to them, and could be discharged by no other. ‡ But this honour did not give them any title to a place in the Senate;

* Invisus etiam senatui ob novam legem quam inique Q. Claudius Tr. Plebis uno patrum adjuvante C. Flaminio tulcrat: nequis senator quive senatoris pater fuisset, maritimam navem quae plusquam-trecentarum amphorarum esset haberet; id satis habitum ad fructus ex agris vectandos. Quæstus omnis indecorus patribus visus est. *Liv.* 21. 63.

† Noli metuere Hortensi, ne quæram, quæ licuerit aedificare navem senatori. Antiquæ sunt istæ leges & mortuæ quemadmodum tu soles dicere quæ vetant. Fuit ista respub.

lica quondam, fuit ista severitas in iudiciis, ut istam rem accusator in magnis criminibus objiciendam putaret. *Lib.* 5. in *Verrem* 18.

‡ Ita populus Rom. brevi tempore neque regem sacrorum, neque flamines, nec salios habebit, nec ex parte dimidia reliquos sacerdotes: neque auctores centuriatorum, & curiatorum comitorum: auspiciaque populi Romani, si magistratus patricii creati non sint, intereant necesse est, cum interrex nullus sit, quod & ipsum patricium, & a patricio prodi necesse est. *Cic. pro domo* 14.

nate; it did indeed powerfully recommend them to the favour of their countrymen, when they stood candidates for a post. But the Senate was open to the citizens of *Rome* without regard to their birth and extract; provided their fathers and grandfathers were freemen: so that a slave was excluded only to the fourth generation. *Appius Claudius* indeed chose some into the Senate who were sons of freed men, but they were all turned out by the following Censors.

Thirdly, They were to have estates to the value of 800,000 sesterces, ^a which of our money amounts to about 6000 l. This qualification was introduced when corruption had crept in and spread itself among them. When they were poor, there was no need of any such security; their virtue was a sufficient tye upon them to do all the service they could to their country: but when they became rich, it was look'd upon as some engagement of their fidelity, that those in places of the greatest trust should have some pledges in their country of their regard to the welfare and prosperity of it. And tho' this availed but little, yet it is certain, the greatest enemies to the constitution and liberty of *Rome*, were those that by prodigality had ruined themselves, and knew no other way to recover but by ruining their country.

These seem to be all the qualifications that were ordinarily required in the *Roman* Senators, and this the method of their advancement; tho' herein, as well as other things, they departed from their rules when any extraordinary emergence required

^a Senatorum censum ampliavit: ma, duodecies H. S. taxavit. *Suet.*
ac pro octingentorum millium sum: in *Aug.* 41.

quired it : as after the battle of *Cannae*, wherein great numbers of Senators lost their lives; and those that survived, observing how many places were vacant, the Praetor, who in the absence of the Consuls held the Senate, referr'd it to their consideration what measures they should take to fill them up. After some debates, it was resolved to name a Dictator for this purpose, one who had been Censor, and the oldest of that rank; whereby they shewed a manifest regard to their usual method, and so did the Dictator himself: for he kept to the rule of choosing those who had served in posts of the government, as far as their number permitted. *M. Fabius Buteo* was chose, who being attended with his Lictors, ascended the Rostra, and made a speech; which being short, and to our present purpose, I beg leave to transcribe it.

He told the people, " That he did not approve of two
" Dictators at once, a thing never known before; nor that
" himself should be Dictator without a General of the horse;
" nor that the Censorian power should be given to the same
" person twice; nor that the command of a Dictator should
" be given for six months, unless to one created for some
" expedition that required it: but what was brought upon
" them by time, chance and necessity, he would endeavour
" to moderate; for he would not turn any out of the Se-
" nate who had been chose by the Censors *Flaminius* and
" *Aemilius*, but would order their names to be transcribed
" and recited, that the reputation and behaviour of a Sena-
" tor might not be subject to the cognizance and arbitration
" of a single man; and that he would choose into the places
" of the deceased in such a manner, that it should appear
" he gave the preference to one rank above another, rather
" than to one man above another."

Having

Having therefore recited the old list, he first of all chose those who, after the Censorship of *Aemilius* and *Flaminius*, had served upper or curule magistrates in the same order they were created; then he chose those who had served *Aediles*, *Tribunes* of the people, or *Quaestors*: then out of those, who had not served in any civil posts, he chose such as had the enemies spoils set up in their Houses, or had been rewarded with a civic crown. So a hundred and seventy seven being with vast applause added to the senate, he immediately resigned his office, came down a private man, and ordered the *Lictors* to withdraw. ^b

This extraordinary instance does detract nothing, but rather confirm what has been said concerning the qualifications, and method of making Senators; no more does the instance of *Sylla*, who increased their number, not so much according to the common rules as by the authority of Dictator.

The influence and grandeur of a *Roman* Senator was very considerable both at home and abroad; they were guardians not only of the rights and libertys of their countrymen, but patrons of distant nations and kingdoms: for, when *Romulus*

D

first

^b Recitato veteri senatu, inde primos in demortuorum locum legit, qui post L. Aemilium & C. Flaminium Censores, curulem magistratum cepissent, necdum in senatum lecti essent; ut quisque eorum primus creatus erat: tum legit qui aediles, tribuni plebei, quaestores fuerant: tum ex iis qui magistratus non cepissent, qui spolia ex hoste fixa domi haberent, aut civicam coronam accepissent. Ita centum septuaginta septem cum ingenti approbatione hominum in senatum lectis, extemplo se magistratu abdicavit. *Liv. 23. 23.*

first instituted the Senate, and made the honour hereditary, he wanted some method to reconcile the Plebeians, who with their families were excluded. And, to establish a good harmony among his subjects, he recommended them to the favour and protection of the *Patres* or *Fathers*, and allowed every citizen to choose out of them what patron he pleased: so every Senator had some of the people for his clients, and was obliged to defend them, to explain the law to them, and to take care of their civil concerns; that they might be entirely at liberty to mind their private affairs.

On the other hand, the Plebeians were obliged to furnish their patrons with money for their daughters portions, for redeeming their sons when taken by the enemy, and for defraying the charges of their publick employments. The law that required these mutual offices was very strict; so that, if either patron or client violated the rules of friendship, justice, or honour, in any notorious instance, he was, upon conviction, look'd on as a worthless and abandon'd wretch, and it was lawful for any man to rid the world of him.

This was an admirable expedient to unite the people of *Rome*; for hereby every citizen had a friend in the Senate, who was obliged to stand up for his just rights and privileges; and every Senator had an interest in a body of the people to persuade them to be quiet, and submissive to the government; which they often made use of to very good purpose: for, notwithstanding the frequent contests between the Senate and the people, which sometimes rose to a very great height; yet, for the space of six hundred and thirty years,

years, as *Dionysius* of *Halicarnasse* relates, they never came to murder or shedding of blood; which he says was owing to this expedient. ^c

It was counted a great honour for a Senator to have a good number of clients, either to preserve them in his family, which his ancestors had engaged; or by his own conduct and abilities to gain new ones. ^d Tho' this contrivance was at first introduced for the benefit of the *Roman* people, yet it afterwards extended to colonies, and distant states, who courted the friendship and protection of the *Romans*, or were conquered by them; who were permitted to choose any Senator for their guardian and patron: and they generally chose the man by whose bravery they were subdued, either from the experience they had of his generosity; or believing, that for his own honour he would heartily espouse their interest: and the Senate of such cities or nations would frequently refer their disputes to the judgment of their patron at *Rome*.

And when the *Romans* extended their conquests over the greatest part of the world, the affairs of distant and powerful nations, nay the rights and contests of sovereign princes came to be debated in the *Roman* Senate, ^e and very much depended upon the interest of their patron there.

D 2

Cicero

^c Οὕτω δὲ ἄρα ἡ Ῥωμαίων ἐξ-
ουσία ἦν ὁμόνοια, πᾶν ἀρχὴν ὑπὸ
τῶν ἐκ τῆς Ῥωμαίας κατασκευα-
σθέντων λαβῆσα ἐθῶν, ὥς ἐδῆποτε
δι' αἵματος καὶ φόβου τῆς κατ' ἀλ-
λήλων ἐχωρησαν ἐν τοῖς ἑξακισίων
καὶ τετρακισίων ἐτῶν. L. 2 II.

^d *Idem. Ib.*

^e Rex Ptolomaeus qui si nondum
erat ipse a senatu socius appellatus,
erat tamen frater ejus regis, qui cum
esset in eadem causa, jam erat a se-
nato honorem istum consecutus. *Pro*
Sextio 26.

Cicero in a letter to *Cato* ^f tells him, that *Ariobarzanes*, king of *Cappadocia*, whose safety was committed to his care by the senate, upon the authority of *Cato*, was so effectually assisted by him, that he obtained his kingdom honourably, and had all the privileges of his court secured to him without tumult, or force of arms. From the same letter we are informed, that the island of *Cyprus*, and the kingdom of *Cappadocia*, were the two principal states under the protection of *Cato*; and king *Deiotarus* was his particular friend. ^g *Sicily* belonged to the family of the *Marcelli*, the *Allobroges* or *Piedmont* to the *Fabij*.

Upon this account the Senate is called by *Cicero* the council not only of *Rome*, but of all other nations, kings and people in the world. ^h And what king is there, says he, that would not willingly shew respect and hospitality to a *Roman* Senator? The highest terms of honour were used not only of the whole body, but *Cicero*, in writing to *Cato*, uses the same term, tho' not in the same form of address, that is now used to sovereign princes, *Your Majesty*; and *Cato* does the same in a letter to him. ⁱ

To

^f Regem Ariobarzanem cujus salutem a senatu, te auctore commendatam habebam, praesentibus insidiis nec opinantem liberavi: neque solum ei saluti fui; sed etiam curavi ut cum auctoritate regnaret. *Ep. ad Conf.* 15. 4.

^g Tum duae maximae clientelae tuae, *Cyprus* insula, & *Cappadociae*

regnum tecum de me loquentur. Puto etiam regem *Deiotarum*, qui uni tibi est maxime necessarius. *Ibid.*

^h Summum est populi Rom. populorumque & gentium omnium consilium senatus. *Pro domo* 28.

ⁱ *Epist. ad Conf.* 15. 5.

To be the first man in this grand assembly was justly reckoned a very great honour, which belonged to him whose name was put first in the Censor's list; and for some time it was given to the oldest Censor living: but in the year 543, there was a contest between the two Censors about it. *Cethegus* was for keeping to the old custom. *Sempronius*, the other Censor, told him, that the Gods, who had by lot given him the power of choosing, had given him a free power, and he would choose whom he pleased. After a long contention *Cethegus* submitted, and *Fabius Maximus*, who put a stop to *Hannibal's* train of victories, and found out the way to deal with him, was by *Sempronius* chose into the place of *first Senator*: for, says he, in the judgment of *Hannibal*, he is the greatest man in the state, and therefore ought to have the first place in the Senate. ^k And so the custom continued for some time to choose him who, for wisdom, integrity and great services, deserved it.

This was one of the greatest honours that could be given, and the *Romans* set a higher value upon it than any other title whatever: the greatest offices lay open to many, while this, like the prerogative of sovereign princes, could be enjoyed only by one; and not by fortuitous means, but from the esteem of the wisest and best judges. *Scipio Africanus* had this title given him three times, ^l and *Aemilius Lepidus*

was

^k *Sempronius* cui dii sortem. legendi dedissent, ei jus liberum eisdem dedisse deos. Se id suo arbitrio facturum: lecturumque Q. Fabium Maximum quem tum principem Romanæ civitatis esse, vel Annibale judice, victurus esset. *Liv.* 27. 11.

^l Princeps in senatu tertium lectus P. Scipio Africanus. *Liv.* 28. 28.

was honoured with it by six succeeding Censors; ^m and as his name stood first in the list, so his opinion was first asked, and always carried great weight with it: for these men were not only capable of great services in a military way, but furnished with the most useful knowledge of the affairs of state, and eloquence to speak their minds with the greatest advantage; otherwise they would not have been fit for it, because they were to open all debates, and to speak to the question before they delivered their opinion.

Cicero, in the following passage, intimates what sort of eloquence was most adapted to this post. ⁿ “ In the speeches “ of *Scaurus* there appeared the greatest gravity of a wise “ and cautious man, and a sort of natural authority; so that “ when he was speaking for his client, you would think he “ was rather giving evidence than pleading for him. This “ manner is not very well suited to the business of a patron, “ but exceeding proper for a Senator, of which order he “ was the first.”

And if such a title was to be given now, it would be more proper to annex it to those great and useful qualifications, which form a man to instruct and persuade in the Senate,

^m M. Aemilius Lepidus, qui princeps senatus ab sextis jam Censoribus erat lectus. *Epit. Liv. lib. 48.*

ⁿ In Scauri oratione, sapientis hominis, & recti gravitas summa, & naturalis quaedam inerat auctoritas, non

ut causam, sed testimonium dicere putares cum pro reo diceret Hoc dicendi genus ad patrocinia mediocriter aptum videbatur: ad senatoriam vero sententiam cujus erat ille princeps, vel maxime. *Brut. 29.*

nate, than to any other accomplishments or preheminance whatever: for, the knowledge of a nation's interest, and ability to apply suitable remedies and expedients in difficult cases, joined with integrity, eloquence, and readiness on all occasions, are undoubtedly the talents most proper to lead a senate into those measures that will best answer the end of their institution. And as these qualifications can't be attained in the most excellent and distinguishing manner, without extraordinary natural endowments, great application and experience; so where they are, nothing but envy or barbarity can refuse him a superiority of honour and esteem answerable to it.

The *Roman* Senators did not wear any particular habit, but were distinguished in their dress by some peculiarities in two things, their tunics and their shoes.

Every *Roman* wore a tunic, which answers to our waistcoat; and then a gown, which was loosely thrown over their shoulders. A Senator's tunic or waistcoat was white, embroidered with broad studs of the finest purple; and distinguished not only by the largeness of the bosses, which resembled the heads of broad nails all down from the breast, as the Knights were like the heads of small nails, but likewise in the richness of the colour, the fineness of the thread, and the curiousness of the work.

The gown was all over of a pure white colour, unless the Senator was in some post of the government; and then, as he was a magistrate, it was woven all round with a rich border

der of purple; which other Senators likewise wore upon festival-days. This purple *Ferrarius* has shewn was anciently like what we call a violet-colour; afterwards it approached more to the *Tarentine* scarlet; and at last was the costly *Tyrian*.

Some Senators that affected plainness, or rather severity in their dress, as well as manners, disdained this shew, and look'd upon it as a piece of softness and extravagance. Thus *Cato*, as *Plutarch* says, observing the purple that was of a full deep colour, and had a shining cast of red, was very dear, wore some that was of a dull heavy shade.

But *Piso*, one of the Consuls that authoris'd all the illegal proceedings against *Cicero*, when he was sent into banishment after he had done the greatest services to his country, had no such pretensions to discipline and severity; yet he put on the like negligence: and it being meer affectation, *Cicero* justly taxed him for a sloven, and expos'd his folly and ostentation, for wearing a tunic of a coarse thread, and a dark-colour, not at all answering the dignity of a Senator; nor in this respect distinguishing himself from one of the meanest rank: and yet with this slovenly dress he put on an air of great gravity, look'd fowre and crabbed, that he might make an appearance like one of those long-bearded gentlemen that lived some hundred years ago, and were patterns of ancient discipline, and pillars of the state: and with the same intent, it's said, he got himself chose into the chief post at *Capua*, which answer'd to the Consulship at *Rome*, that he might practise before-hand the forming of his countenance;

tenance; hoping, by this means, to meet with the same respect that was shewn to those brave Consuls, whose statues he endeavoured to resemble. °

The other distinction used in the dress of a Senator consisted in a peculiar sort of shoes. The *Roman* shoes were all made hollow to receive the foot like ours; but those the Senators wore were made of a soft black skin tack'd with latches, which were wove half-way up the leg in a curious manner, resembling a buskin, and upon it the figure of a half-moon; which was to signify the original institution of an hundred Senators by the letter C. which the Patricians first wore, from whom it became the mark of a Senator: but in time it grew more into the shape of a crescent.

These two ornaments are frequently made use of by the *Roman* authors, especially the Poets, to signify the rank of a Senator, the *latus clavus* and *calcei lunati*. *Horace* and *Juvenal* give us the following instances.

*Nam ut quisque insanus nigris medium impediit crus
Pellibus, & latum demisit pectore clavum,
Audit continuo, quis homo hic est? &c.* Sat. i. 6.

E

—felix

° Quam taeter incedebat! quam hac purpura plebeia, ac paene fusca: truculentus! quam terribilis aspectus! capillo ita horrido, ut Capua in qua unum aliquem te ex barbatis illis, ex ipse tum imaginis ornandae causa dumplum imperij veteris, imaginem umviratum gerebat, Seplasiam subla- antiquitatis, columen reipublicae, diturus videretur, &c. *Cic. pro Sextio*, c. 8.

————— *felix & pulcher, & acer*
Felix & sapiens, & nobilis, & generosus,
Appositam nigrae lunam subtexit alutae. Sat. 7. 191.

There were several privileges likewise belonging to the *Roman* Senators; they only were admitted to the solemn banquet in the Capitol; they had the first and most commodious places in the Theatre, and *Circus*, or grand ring, where the publick shews were presented; they were employed in all embassys: and that they might make a figure answerable to their dignity, and secure respect in the provinces, tho' they went about their private affairs only, they were allowed *Lictors* to attend them, like the greatest officers at *Rome*. ^p

And as many of them were magistrates, so they wore embroidered gowns, had the curule chair, and the ensigns of authority attending on them; their houses were adorned with their own images, by which they became noble, and with their ancestors, if they were of noble extract. The highest posts in the army, and the greatest governments were disposed of to them: but, as they shared the highest honours in their country, so they bore some burdens and fatigues proportionable to their advantages; ^q of both which I may possibly give a more distinct account hereafter.

The

^p In primisque quod ei carissimum est, dignitatem ejus tibi commendo: idque a te peto, quod ipse in provincia facere sum solitus, non rogatus, ut omnibus senatoribus lictores darem. *Cic. Ep. fam. 12. 21.*

^q Senatorem hoc queri non posse, propterea quod ea conditione proposita petere coepisset: quodque per multa essent ornamenta, quibus eam mitigare molestiam posset: locus, aucto-

The power of holding the Senate belonged to the chief magistrate at *Rome*, and therefore to the Dictator, ^r if there was any, but in ordinary cases to the Consuls; and particularly to him whose turn it was to exercise jurisdiction that month, tho' it was necessary for both to agree. ^f The Praetor, who was judge of all causes between the *Roman* citizens, being the next magistrate, had likewise the power of assembling the Senate; but herein he acted like their deputy: for he could not do it, except in their absence; nor then but upon sudden emergencies which required the consultation of the Senate, and could not be deferred till the return of the Consuls. The Tribunes of the people had this power too, not as magistrates; for the *Aediles curules*, who were superior to them, had it not; but as the representatives of the people, and therefore, by an authority from their masters, they could call the Senate together, tho' the Consuls were present.

Upon sudden emergencies, when affairs immediately required dispatch, they were assembled by the publick cryer; but when matters of great moment were to be debated, and a full house was desired, they were summoned by a writ issued out some days before their meeting, which was directed to

E 2

Sena-

auctoritas, domi splendor, apud exteras nationes nomen, & gratia, toga praetexta, sella curulis, insignia, fascēs, exercitus, imperia, provinciae. Cic. *pro Cluent.* 56.

^r Vide Gellium, 14. 7.

^f Ἡ βουλὴ δὲ (ὃ γὰρ τις αὐτῶν συνῆγεν, ἐδ' ἐξ αὐτῶν τῶ ἐτέρῳ τῶν ὑπαρχόντων συναγαγεῖν αὐτῶν) ἐς τὴν οἰκίαν τῆς Βίβλου συνελθόντες. *Aspian. de bello civ. L. 2.*

Senators and those who are permitted to give their opinion in the Senate. ^t

When they were busy in preparing for the war against *Antiochus*, king of *Syria*, who was assisted by *Philip* of *Macedon*; the city being under great apprehensions concerning the success of it, *P. Cornelius*, the Consul, issued out his writ in this form, *To Senators, and those who are allowed to give their opinion in the Senate, and all inferior magistrates, requiring them to keep within a day's journey of Rome, and forbidding more than five Senators to be absent from the city at once.* ^u *M. Anthony* added this clause, *that he should look on those as his enemies who refused to come.* Tho' for some reasons, and it's said no greater than a drinking bout, he thought fit to be absent himself. ^x

Every Senator was obliged to attend upon due Summons; and if he was either absent, or came late, was fined in a certain sum, which was taken as a pledge of their obedience to the Consul's authority. Those who were turned of sixty-five were left to their liberty, ^y all others were obliged to give a sufficient excuse for their absence; such as sickness, or attending

^t Verba edicti haec sunt, *Senatores quibusque in senatu sententiam dicere licet.* A. Gellius 3. 18. neve uno tempore quinque senatores ab urbe Roma abessent. Liv. 36. 3.

^x Cic. Philipp. 3. 8.

^u Qui senatores essent, quibusque in senatu sententiam dicere liceret, quique minores magistratus essent, ne quis eorum longius ab urbe Roma abiret, quam unde eo die redire posset:

^y Senator post sexagesimum & quintum annum in curiam venire non cogitur, nec vetatur. Senec. Controv. Lib. 1:

ing on the funeral of a relation, or being employed in the affairs of some publick office, or sitting in a court of judicature.

When any honour was to be conferr'd, or a triumph to be decreed, or a government to be disposed of, they were very much influenced by their affection to the party concerned, who took care on all such occasions to secure the interest of their friends, who were generally employed in drawing up their decrees. ^z And it's probable the penalty for absenting might be increased according to the importance of the business before them. However, *Cicero* justly inveighs against *M. Anthony*, for threatening to go with a number of workmen, and pull down his house, for absenting himself, when they were only consulting about paying funeral-honours to *Caesar*; tho' the reason was either sickness, or to escape the snare which his enemy had laid to kill him as he came.

The number of Senators in the time of *Livius Drusus* was hardly three hundred; he attempted a law to make three hundred more out of the Equestrian rank; but the ^a old Senators did not like to have such a number added to them at one stroke, lest they should have different views, and be too hard for them. But not long after, *Sylla*, when he was Dictator, introduced about three hundred gentlemen of the

^z Haec enim senatus consulta non ignoro ab amicissimis ejus, cujus de honore agitur scribi solere. *Cic. ad Cat.* Ep. L. 15. 6.

^a Ἦπε γὰρ βουλὴ χαλεπῶς ἔφε-
ρεν, ἀδελφῶς αὐτῇ πῶς δὲ περ-

καταλελυῶαι, καὶ δὲ ἱππέων ἐς τὸ
μέγιστον ἀξίωμα μεταβλεῖναι, ἐκ
ἀδύνητον ἡγουμένη δὲ βουλευταῖς
ῥητορικοῦ κατὰ σφᾶς ἐπὶ δυνατώπι-
ον τοῖς προτέροις βουλευταῖς στα-
λέειν. *App. de bell. civ. L. 1.*

the Equestrian rank, after he had collected the suffrages of the people assembled in their tribes concerning each, to give some countenance at least to such an arbitrary proceeding; so their number came to be about six hundred: and *Cicero* calls it a full house, when there were present four hundred, at least, on one side of the question, and fifteen on the other. ^b

But how many were required for the dispatch of business I don't find settled by any law that extended to all cases: tho' it must have been certainly fixed; because it was a common thing for a Senator, who had a mind to put a stop to their proceedings, to call out in the middle of a debate, *number the Senate*: so that, if there wanted a sufficient number, they could not go on. And it seems not improbable that a third part of the house ought to be present; for, in the year 566, when the Consuls and Senate were very intent upon discovering, and banishing an abominable combination of people of both sexes, who were initiated into the solemnity of *Bacchus*, the Senate pass'd a decree, that there should be no Bacchanals at *Rome*, nor in any part of *Italy*; but if any thought those sacred rites necessary, and could not omit them without violating his conscience, (for there was a strange confusion of what they called religion with iniquity) he was to make protestation hereof before the Praetor, who was to ask leave of the Senate, when no fewer than a hundred Senators were present. ^c

A

^b Cum decerneretur frequenti senatu
—homines ad xv Curioni nullum S.C.
facienti assenserunt: ex altera parte
facile CCCC. fuerunt. *Ad Attic.*
I. 14.

^c Ne qua bacchanalia Romae neve
in Italia essent. Si quis tale sacrum
solenne, & necessarium duceret; nec
sine religione, & piaculo se id omittere
posse, apud praetorem urbanum pro-
fiteretur,

A proportionable number was required in another case, When any one was proposed to be exempted from the laws that required such an age for an office; the Senate, who had usurped this power, which originally belonged to the people, frequently made use of it to favour their friends; and sometimes took the opportunity of a very thin house to do it: upon which, *C. Cornelius*, who was Tribune of the people in the year 685. and incensed at some proceedings of the Senate, endeavoured to recover this power to the people; but failing herein, obtained however, that no decree of the Senate should pass in this affair, when less than two hundred Senators were present. ^d

For, the *Roman* Senators would sometimes take as great libertys as other people to carry their point; a notorious instance whereof was the following story of the Consul *Aemilius*: who, being angry with *Fulvius*, because he prevented his election for the space of two years, took occasion, when his colleague was sick, to add a clause to a decree of the Senate derogating from the honour of *Fulvius's* victory, at a time when there was not a sufficient number of Senators present, ^e designing thereby to hinder his triumph. *Fulvius*, upon discovering the attempt, expostulated the matter very sharply, and told the house, they could have no hopes of a man who would presume to deposit in the publick treasury (where

fiteretur; praetor senatum consuleret, S. C. fieret, cum adessent in senatu si ei permissum esset, quum in senatu non minus CC. haec est illa quam centum non minus essent. *Liv.* 39. 18. appellat correctio. *Pedianus in orat. pro C. Cornelio.*

^d Diximus jam in principio, Corneliū primo legem promulgasse, ne quis per senatum lege solveretur: deinde tulisse ut tum denique de ea re

^e Per infrequentiam adjecit senatus consulto, Ambrosiam non videri vi captam esse. *Liv.* 38. 44.

(where their laws were kept) a decree of the Senate carried by stealth, when a sufficient number of Senators were not present. ^f So gross an imposition upon that august assembly, one would think could not have escaped the severest animadversion ; but we don't find any further notice was taken of it.

The Senate, to raise greater esteem and veneration, always sat in a consecrated place, and their decrees could not be valid in any other ; therefore, the courts built by *Hofilius*, *Pompey*, and *Julius Caesar*, were by the Augurs consecrated for this purpose, that the decrees passed by the Senate there might be attended with all the solemnity and regard that was paid to their ancestors ; for at their first institution they sat in the temple of *Vulcan*. There are several reasons to be given for this custom, for the Senators were to be considered as a sort of inferior deities, who presided over the welfare and prosperity of their country ; and they were required to have the same awe of the Gods, when the affairs of the publick were before them, as the Priests have in the solemn services of religion.

Nay, this was designed to raise in them an emulation with the Gods themselves, to do all the good within their power, to render their influence extensive and beneficial to all without respect to partys, or any little distinctions among men ; particularly, to defend the rights and liberty of their country : for, as the *Romans* thought liberty the greatest benefit the Gods had bestowed on mankind ; so, to be guardians
hereof

^f Verum enimvero, quum sint nobilissimae sibi cum consule inimicitiae, spectare, qui per infrequentiam fur-
tim, senatus consultum factum ad ae-
quid ab eo quenquam posse aequi ex- rarium detulerit. *Liv.* 39. 4.

hereof they thought the greatest resemblance of the Gods. Besides, the ancient gravity and uncorruptness of their manners was thought to require the solemnity of a sanctified place; and the Censors, for a great while, took care to keep it up, by the strictest animadversion on their behaviour.

The conduct of the *Roman* Senate was not, upon some occasions, unsuitable to such considerations; and certainly, no greater instances of love to their country, justice, temperance and bravery, can be produced than from this illustrious assembly. They were a terror to tyrants, and all that affected illegal dominion at home, and a scourge to those of other nations; they were, for a great while, examples to their countrymen of moderation, temperance and publick-spiritedness; they shewed the greatest firmness in times of the utmost distress and danger; and were so true to their engagements, that nothing could tempt them to desert their allies: on which account they are highly celebrated by *Silius*.

Concilium vocat augustum, castaque beatos

Paupertate patres, ac nomina parta triumphis

Consul, & aequantem superos virtute senatum. I. 610.

And *Cicero* attributes to the Senate-house abundance of very lofty titles, such as *Templum sanctitatis, amplitudinis, mentis, consilij publici, caput urbis, aram sociorum, portum omnium gentium*. & A learned commentator upon the first of these passages has this remark, “ It was a consecrated place, “ where not only men of the greatest integrity, and unblemish’d characters gave their opinions concerning the affairs “ of state; but here Sanctity herself placed her seat; for the “ sanctity of these Senators may be judged of by the crimes.

F

“ for

& Pro Milone, 33.

“ for which some were expelled : for instance, the Censor
 “ *Fabricius* degraded *Corn. Rufinus*, because he had ten
 “ pound of wrought plate in his house. *Cato* degraded ano-
 “ ther for kissing his own wife when his daughter was pre-
 “ sent ; and strange, that the Emperor *Domitian* should
 “ affect such sanctity ! and yet, when he presided over the
 “ manners of *Rome*, he expelled *Rufinus* for dancing.” ^h

Many instances of the like nature might be produced, which seem level'd at the beginnings of vice, and to nip the seeds of luxury, avarice and ambition. It was undoubtedly a great restraint upon the behaviour of the *Roman* citizens, that all ranks and degrees among them should be subject to the authority of two men, who could displace any, from the highest to the lowest, for what crimes they saw fit ; and they acted herein with a sort of unlimited power : for, when they degraded any man they only sent him a note, and subscribed to the reason of it ; after which he had no remedy left but to retire and amend his past conduct ; and then indeed he might regain his former honour and rank : as some, who were expell'd, applied themselves so vigorously to every thing that could recommend them to the favour and service of their country, that they not only recover'd their former dignity, but got to be chose Censors themselves. ⁱ

It was in the power of him who held the Senate to summon them to meet where he saw fit, there being several temples

^h *Abramus* in locum.

esse factum ; & cujus mores a censoribus erant reprehensi, hunc postea &

ⁱ C. Getam cum a L. Metello, & C. Domitio censoribus ex senatu ejectus esset, censorem ipsum postea

populi Romani, & eorum qui in ipsum animadverterant moribus prae- fuisse. *Cic. pro Cluent. 42.*

temples consecrated for this purpose; only they were obliged to assemble them without the city-gates for the reception of Ambassadors who came from nations at war with the *Romans*, because they were never permitted to come within the city. The temples of *Apollo* and *Bellona* were frequently made use of on these occasions, where the Ambassadors delivered their instructions; and in examining them, nothing was more to the reputation of a Senator, than to put close and pertinent questions, in order to discover whether their principals really meant what they said, or whether they designed only to amuse them; accordingly, after the Ambassadors were withdrawn, and the Senate had debated upon it, they gave them their answer.

In like manner, when any *Roman* General returned from the wars, and demanded a Triumph, they met without the gates to examine into his conduct, the importance of his victory, and the number of the enemy that were slain: for no man at the head of an army was allowed to enter the city, but he was either to give up his command, or to have leave by a particular law to continue it; which was only granted during the time of his Triumph.

Within the city the temples of *JUPITER*, *QUIRINUS*, *FAITH*, *CONCORD*, and *VIRTUE*, were frequently made use of, which were consecrated by the Augurs with great pomp for this solemn service; and no doubt the Censors, who generally took care about dedicating the statues and temples of the Gods, tho' the solemnity was performed by the direction of the Priests, and authority from the people, had some views in fixing on these temples, that the Senate might act under the influence of the Deitys who presided in them.

JUPITER was regarded by them as the founder of the *Roman* state; and to him they ascribed their preservation and recovery in that hazardous juncture, when the *Sabines* had got possession of the citadel, and the *Romans* fled before them. His temple was the first that was built at *Rome*; it was thought proper for the Senate to meet here, out of a religious veneration to him whom they worshipp'd as the chief Deity of the universe, and particularly of the *Roman* state. Beside, their due regard to him might be thought no inconsiderable motive to love their country, which was so particularly under his protection; and therefore, when *Servilius* opposed the Senate in doing honour to *Plancus*, who was a friend to his country, as the other was to *M. Anthony*, *Cicero* taxes him with irreverence and opposition to *Jupiter* himself, in whose temple the affair was debated. ¹

The like considerations might be suggested in the temple of *QUIRINUS*, who was the founder of the Senate, to put them in mind of the great end and design of their institution, and to keep them up to their ancient virtue.

The temple of *FAITH* was built by *Numa*, and the first that ever was devoted to that Deity; his design was to fix in the minds of his subjects a religious regard to truth and fidelity in all their words and contracts: which he very well knew was the greatest security, not only of every man's property, but of their allegiance, and due regard to the publick, being one of the first obligations of the law of nature. And nothing could be more absurd and impious, than for a Senator

¹ Venit paratus Servilius Jovi ipsi iniquus: cujus in templo res agebatur.
Cic. Ep. fam. 10. 12.

tor to sit in this temple with a heart devoted to any foreign power, or with coldness and indifference to the true interest of his country.

What was the design of meeting in the temple of *CONCORD* may be collected from what *Cassius* the Censor proposed in his attempt to dedicate an image and temple to this Deity, with a particular view to the service of the Senate ^m: he thought it would lay some restraint upon the Senators, and dispose them to give their votes without an affectation of opposition, if they were tyed down by the seat and temple where their consultations were held to a religious regard to Concord. This was a very laudable design, for nothing gave greater force to their decrees than unanimity; and tho' the utmost liberty was allowed, yet they counted all opposition odious and abominable that proceeded from pique, envy, or any private and selfish views.

The temple of *VIRTUE* was thought a proper place to inspire them with courage and steddiness, that they might not be terrified either with the threats, preparations, and success of their enemys; or with the obloquy of ill-minded persons at home: for the *Romans* were very apt to use the greatest freedom in censuring the actions of the wisest and bravest men; and while they were engaged in their country's service, would not scruple to call them to account in their
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^m Censor enim penes quem majores nostri, id quod tu sustulisti, iudicium senatus de dignitate esse voluerunt, *Concordiae* signum volebat in curia, curiamque ei Deae dedicare. Praeclara voluntas atque omni laude digna.

Praescribere enim se arbitrabatur, ut sine studiis dissensionis sententiae dicerentur, si sedem ipsam ac templum publici consilij religione concordiae devinxisset. *Cic. pro domo* 51.

private cabals, and condemn them as enemies and traitors, if they did not act according to their schemes, who knew very little of the state of affairs at home or abroad.

The Senate did not continue sitting for a succession of many days together; but several days in every month were appropriated for them to meet, as others were for the people: tho' the Consul, or other magistrate, might call them together at any other time, except upon such days whereon all publick assemblys were disallowed, as festival and religious days, or such as were allotted for the people to assemble; tho' if they had done their business, and were dismiss'd in time, and any great affair required it, the Senate might sit on those days too; nay, sometimes the assembly of the people was put off on this account.

In the beginning of the year the new Consuls entered upon the execution of their office, and were attended to the house with great pomp; and there was generally a full house at that time. The month of *January* was very much taken up in settling affairs with respect to the service of the current year. *February* was allotted for the introduction of foreign Ambassadors, and the consideration of the state and exigence of their allies. ° *April* was almost swallowed up in festival or religious days, or days whereon the people met; so was *September*, when the *Roman* sports were celebrated. *October* was the time of the vintage; and *December* was a month given up to pleasure and all manner of indulgences; and

° Comitia dilata ex S. C. Cic. ad natus postulatis provinciarum, & legationibus audiendis datur. Asc. Ped.
Attic. 4. 16.

° Hic est mensis quo frequens se- in Verrem de Praet. urbis.

Cicero calls two hundred at that time a fuller house than could be expected. ^p

It was a constant rule, that no business could be done before sun-rising, nor after sun-set; ^q which was taken from an old law in the XII Tables, when the *Romans* had no notion of dividing the day into hours, but distinguished time by the best observation they could make of the course of the sun without the help of dyals; and all their publick business generally began, and ended with it. ^r If they came early, they had indeed a great deal of time before them; but sometimes they were cramp'd in this respect, and some of the principal Senators were prevented from speaking, especially in the short days: ^f besides, there was this great inconvenience in it, that they who had a mind to hinder the determination of the Senate, would contrive to draw out their speeches till sun-set, and so oblige the house to rise without doing any business.

Another rule was, that no motion should be made, nor any new affair entered upon after the tenth hour; which, according to our reckoning is four a clock; soon after which the house generally rose, and they went to their principal meal, which we call their supper; but very much answered to

^p Senatus fuit frequentior quam putabamus esse posse mense Decembri, sub dies festos. Sane frequentes fuimus, omnino ad ducentos. *Ad Quintum* 2. 1.

^r Sol occasus suprema tempestas esto. *L. 12. Tabb.*

^q Post haec deinceps dicit senatus consultum ante exortum, aut post occasum solem factum, ratum non fuisse. *A. Gell.* 14. 7.

^f Unus enim contradixerat Metellus Consul designatus. Quin erat dicturus (ad quem propter diei brevitatem perventum non est) heros ille noster Cato. *Cic. Ep. ad Attic.* 1. 17.

to the custom of dining among Parliament-men here, when the houses sit a little later than ordinary.

The *Romans* had so great a veneration for the Gods, that they never undertook any publick business without consulting them; the Consul, therefore, or whoever held the Senate, was obliged to begin with sacrifices, and the Priests who divined, from inspecting the entrails of beasts, attended to see that no ill omen forbad their assembling: and if after they were met, and had entered upon business, an unlucky omen was reported, which was observed from any other auspices, and judg'd a sufficient bar by the college of Augurs, ^f they immediately broke up, and nothing could be done that day.

Religious as well as civil affairs came under the cognisance of the Senate; and they always entered upon the consideration of these first: as when any Deity was propos'd to be received and worshipp'd at *Rome*, or any vow that the Consul or other magistrate had made in the hazards of war to be performed; or expiation to be made on account of any prodigy, the Senators gave their opinion which was the most proper method to appease the Gods. *Virgil* plainly had an eye to the *Roman* Senate, where *Aeneas* is introduced like the Consul consulting the Senators, and his father as the first of them about the prodigy that appeared.

Delectos populi ad procures, primumque parentem

Monstra Deum refero, & quae sit sententia posco. Aen. 3.

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^f Senatus est continuo convocatus, non satis diligenter eum auspicijs operam dedisse. Idque a nostro collegio comprobatum est. Itaque res dilata est in posterum. *Cic. Ep. fam. 10. 12.* Cornuto est, pullariorum admonitu,

He that had the power of assembling the Senate was the proper person to refer any affair to their consideration, in which and other respects the power and authority of a *Roman* Consul appears to be very great; for he could choose to bring an affair either before the Senate or the people, as he thought would best answer his designs. There is an instance in *Livy*, which, because it shews the method of their proceedings, may not improperly be inserted.

When *Scipio* was Consul, he had a great mind to the province of *Africa*, that he might gain the honour of putting an end to the *Carthaginian* war; but unhappily he gave out, that if the Senate should refuse him, he would apply himself to the people. When the matter came to be debated in the Senate, *Q. Fab. Maximus*, an old Senator who had been Consul five times, and had great influence in the house, opposed him, and said, "He ought rather to stay in *Italy*; that where *Hannibal* was, there lay the stress of the war; and if he could conquer him, they should all soon see an end of it.

Scipio answered, "That the best way to draw *Hannibal* out of *Italy*, was to send an army into *Africa*; and the way to deliver *Italy* and *Rome* at once from all their calamities and fears, was to remove the seat of the war from their own into the enemies country."

However reasonable this might seem, the Consul was under a great disadvantage, from what he had dropp'd of his intentions to apply to the people. And upon this point *Q. Fulvius*, another old Senator, who had been Censor once, and Consul four times, "desired the Consul to declare him-

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self,

“ self, whether he would leave it fairly to their determination
 “ to dispose of the provinces as they saw fit, or whether he
 “ did not intend to bring it before the people.” The Consul
 answered, “ that he would do what he thought most for the
 “ publick good.” Then replied *Fulvius*, “ I did not ask,
 “ because I doubted about your answer or your designs; for
 “ it’s plain your aim is rather to try the Senate, than to con-
 “ sult them; and unless they presently decree you the pro-
 “ vince you desire, you are prepared to ask it of the people.

And turning to the Tribunes, “ I demand of you (says he)
 “ that if I refuse to speak my opinion, because the Consul
 “ will not confirm it, tho’ the Senate should go into it, that
 “ you will protect me.” Upon which there arose another con-
 tention, the Consul urging, “ That it was not right for the
 “ Tribunes to stand by a Senator who refused to speak his
 “ opinion in his place.” But the Tribunes came to this re-
 solution, “ That, if the Consul would permit the Senate to
 “ determine about the provinces, they would stand to their
 “ determination; if not, they would protect any Senator who
 “ should refuse to give his opinion.” †

The Tribunes had in this case the greatest men, and the
 majority of the Senate on their side, and were undoubtedly
 in the right; for it was not fit that a Consul should trifle
 with such an assembly so, as to pretend to ask their opinion,
 and then refuse to stand to it, because it was not agreeable:
 but, notwithstanding all this opposition, the Consul carried
 his main point, for he required a day’s time to confer with
 his colleague; and the day after, when the matter was again
 referr’d to the Senate, *Sicily* was decreed to him with a fleet,
 and

† *Liv.* 28. 40, &c.

and power to transport his forces to *Africa*, if he thought it for the good of the state.

The Consuls could likewise refuse to bring any opinion to the vote which they did not approve of; and tho' the Tribunes of the people might refer any affair to the Senate, yet a decree could not pass if the Consuls were against it. For, when eight Tribunes referr'd to the Senate the consideration of *Cicero's* case, who was then in exile; and *Lentulus*, who was elected Consul for the next year, and was therefore a person of the greatest authority in the house next to the ruling Consuls, spoke on his behalf, and the Senate was very well disposed in his favour; yet nothing could be done for him that year, because the Consuls continued to oppose it.

And when *Calidius* gave his opinion just before the breaking out of the civil war, that *Pompey* should depart into his province, that there might be no pretence for continuing in arms on either side, ^u *Lentulus* the Consul refused to propose it; because, if it had been carried, all *Italy* might have been exposed to the insults of *Caesar* and his army. An affair might in this case be carried before the people, and be determined by them, as it was when peace with *Carthage* was debated in the Senate; and they were universally inclined to grant it, till the Consul protested against it: upon which the Tribunes brought the matter before the people, who voted a peace, and made *Scipio* their plenipotentiary; who, with the advice of ten deputys, might conclude it upon what terms he saw fit: so that in some cases at least the Consuls had a negative upon the proceedings of the Senate.

^u *Caesar. Com.*

The first Senator had for some time the honour to be asked his opinion in the first place; afterwards it was left to the choice of him who assembled the Senate, only he was obliged to give the preference to one of the consular rank; and they either singled out some particular friend or relation, or pitched upon one who by his interest and eloquence could give his opinion with advantage; and in return for this favour, they expected a speech that should be agreeable, and help to promote their designs. For *Cicero* * writes to *Atticus*, that in some case wherein the Senate thought he might have had this honour, and were displeased to see one preferred before him who did not deserve it; he adds, he was content, for the second place in speaking has almost the authority of the first, and does not lay one under too great an obligation to the favour of the Consul.

It was generally observed, that this preheminance should be continued to the person with whom the Consul began, who had the authority at the beginning of the year till the choice of new Consuls, and then the Consuls elected had this honour; for which *Appian* gives this reason, *That they might be more cautious and circumspect in giving their opinions, because*

* Primum igitur scito, primum me non esse rogatum sententiam, prae-positumque esse, nobis pacificatorem Allobrogum, idque admurmurante senatu, neque me invito esse factum, sum enim & ab observando homine perverso liber, & ad dignitatem in rep. retinendam solutus: & ille secundus in dicendo locus habet auctoritatem poene principis, & voluntatem non nimis devinctam beneficio consulis. *Ep. ad Attic. 1. 13.*

† Σιλανῶ μὲν δὴ πρῶτος ἔλε-
γεν, ὅς ἐστι τὸ μέλλον ἡγήτο ὑπα-
πύειν, ὃ δὲ γὰρ Ῥωμαίοις ὁ μελλών
ὑπαπύειν, πρῶτος εἰσφέρει γνω-
μὴν. Ως αὐτῶ (οἱ μὲν) πολλὰ τῶν
κωλυμένων ἐργασόμενοι, καὶ ἐκ
τῶνδε ἐν βελόπτερον τε δὲ ἐν λαβίστερον
ἐνθυμησόμενοι ὡς ἐκαστοῦ. *Lib.*
de bello civili.

because it was like to come to their share to execute what was now resolved upon. But *Caesar*, who seemed all his life to despise the restraints of law or custom, when they stood in his way, could not be confined; for when *Pompey* married his daughter, he asked his opinion first, and dropp'd *Crassus*, who had the honour before this new friendship. Then they went thro' the consular rank according to their seniority, and after them the Praetorians, and the rest in order.

Great respect was shewn to the senior Senators, especially in the early days of the commonwealth, when it was reckoned the greatest indecency for a young and unexperienced man so much as to add or detract any thing from the opinion of an old one: for in these times, says *Dionysius*, no young man thought himself wiser than his elders. But afterwards the young Senators did not scruple to stand by one another, and vote against the old ones; for *Cicero* tells *Atticus* of a decree wherein he was concerned, that passed thro' the unanimity of the Pedarians, tho' not one of the consular rank was for it. ²

When a Senator was asked his opinion, he might, if he pleased, make a speech; and in the times of liberty might deliver his sentiments about peace or war, taxes, laws, or any other affair, and say whatever he saw fit, without any manner of restraints or limitation. ³ But nothing gave a man greater in-

² Est enim illud S. C. summa Pedariorum voluntate, nullius nostrum auctoritate factum. *Ad Attic.* l. 19.

³ Cur enim si remp. egere libertate senatoria crederet, tam levia consensaretur? Quin de bello, aut pace,

de vestigalibus, & legibus, quibusque alijs Romana continentur, suaderet dissuaderetve? Licere patribus quoties jus dicendae sententiae accepissent, quae vellent expromere, relationemque in ea postulare. *Tacit. Ap.* 13.

influence in the house than a good understanding of the constitution and interest of his country, ^b ability to talk clearly, pertinently, and without tediousness. These qualifications, joined with the truest bravery, gave *Cato* so great interest. ^c But many of the first rank were too much devoted to their pleasures to mind any thing else. ^d *Cicero*, who was a very accomplished Senator himself, has explained the office of one in several particulars worthy of notice.

There are three things incumbent upon a Senator, “ 1. That
 “ he should be present, for when there is a full house their
 “ resolutions are attended with greater weight. 2. That he
 “ should speak in his place, *i. e.* when he is asked. 3. That
 “ he should use moderation, and know when to have done;
 “ for brevity, when a man is speaking his opinion, is laudable
 “ not only in a Senator but in an orator; and a long
 “ speech ought never to be made but when the Senate is going
 “ into wrong measures, which most frequently happens
 “ when some ambitious design or other is on foot, and there
 “ is no magistrate to stand up for their rights: in this case it
 “ is of service to take up the whole day; or when the business
 “ before them is of so great consequence, that it is necessary
 “ both to instruct and to persuade, that an orator
 “ should

^b P. Cethegus cui de repub. satis suppeditebat oratio, totam enim tenebat eam, penitusque cognorat, itaque in senatu consularium auctoritatem assequabatur. *Cic. in Brut.* 48.

Murenae designatorum consulum. Cur ergo in sententiam Catonis? Quia verbis luculentioribus & pluribus rem eandem comprehenderat. *Ep. ad Attic.* 12 21.

^c Consularium putat leniores fuisse, Catuli, Servilii, Lucullorum, Curionis, Torquati, Lepidi, Gellij, Volcatij, Figuli, Cottae, L. Caesaris, C. Pisonis, etiam M. Glabronis, Silani,

^d Nostri autem principes digito se coelum putent attingere, si nulli barbari in piscinis sint, qui ad manum accedant, alia autem negligant. *Cic. ad Attic.* 2. 1.

" should be copious : in both these kinds our friend *Cato*
 " has an excellent talent. ^d

And in another place, speaking of the difficulty of persuading, " A wise man (says he) should be able to explain
 " his sentiments about great affairs; an honest and eloquent
 " man should be able to forecast in his mind, to prove by
 " his authority, and to persuade by what he says. But
 " these things are to be done with less art and preparation
 " in the Senate; for there a man ought to consider he is before
 " a wise assembly, and that room is to be allowed for
 " others to speak after him; and he should be very cautious
 " not to give the least reason to suspect him of conceit and
 " ostentation." ^e

And upon a law relating to a Senator, that he ought to know the interests of the people. " It is necessary (says he)
 " that a Senator should be acquainted with the state of the
 " nation; which comprehends a great deal, what number of
 " forces, what is the condition of the treasury, what allies,
 " what friends, and what auxiliaries the government has in
 " pay, and upon what terms each confederate stands allied;
 " he ought to know the method of proceedings, and the
 " precedents of former times. You see all this requires knowledge,
 " application and memory; without which a Senator
 " can never be furnished as he ought to be." ^f

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^d *De Legg. Lib. 3. 18.*

^e Atque haec in senatu minore apparatu agenda sunt. Sapiens enim est consilium; multisque alijs dicendi relinquendus locus; vitanda etiam ingenij ostentationisque suspicio. *De Oratore, L. 2. 81.*

^f Quodque addit causas populi re-
 neto, est senatori necessarium nosse
 rempublicam. Idque late patet, &c.
De Legg. L. 3. 18.

A speech was frequently received with shouts and acclamations, or with a soft humming noise, ^g according as the house was affected; and sometimes they raised a clamour on purpose to put the speaker into confusion. And it's hardly credible what licentiousness, tumults, and disorders were practised by some of the *Roman* Senators. ^h

Clodius, who was a very turbulent man, and always ready to oppose any good thing in the Senate, was attended by a mob which he kept in constant pay: one great use he made of them was, when argument and eloquence failed him, to disturb the Senate with their vociferation. He likewise armed them, and brought them to surround the Senate, for a terror to those that durst oppose him.

One day, when the Senators had made great complaints of his insolence, and it came to his turn to speak, he fell into a great rage, as if he was the party abused; and finding things were like to go against him, he had recourse to his usual method of haranguing, intending to take up the whole day, that the Senate might not come to any resolution; but failing herein, his mob all of a sudden raised such a clamour from the lobby and the stairs, as put the Senators into such a consternation that they were glad to get off with safety. ⁱ Some-

^g O divina senatus frequentis in aede Bellonae admurmuratio! *Lib. V. in Verrem. 16.*

^h Dixit Pompeius, si ve voluit, nam ut surrexit, operae Clodianae clamorem sustulerunt, idque ei perpetua oratione contigit, non modo ut acclamatione; sed ut convicio, & male-

dictis impediretur.—sed ut peroravit, surrexit Clodius, ei tantus clamor a nostris (placuerat enim referre gratiam) ut neque mente, neque lingua, neque ore consisteret. *Cic. Epist. ad Q. Fratr. 2. 3.*

ⁱ Tum Clodius rogatus diem dicendo eximere coepit. Furebat a Racilio

Sometimes the Consuls referr'd to their consideration the state of the nation, which was frequently done at the beginning of the year, when they entered upon the execution of their office; that if any Senator had any thing to propose for the publick good, or could give the house particular information concerning the state of the provinces, or the preparations of the enemy, he might have an opportunity to do it. In consequence hereof, they considered the state of the war, what nations were in arms. And they who were employed last year, gave their opinion what number of forces ought to be raised, and where to be employed; then they considered what Generals were fittest for the command of each army. The Consuls had always the preference; and two of the most honourable posts were assigned to them, where they apprehended the greatest hazard.

When an affair was referr'd to the Senate which consisted of several distinct articles, they debated each particular separately. Or, when a Senator in giving his opinion included two or more distinct things; if they were not all approved, a division was demanded, by which they insisted upon putting the question concerning each particular separately; and he that demanded it was not to make any speech, nor so much as to rise off his seat: but the custom was, as he sat to cry out *divide*.^k Thus, when the Senate was debating about the re-

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stora-

cilio se contumaciter, urbaneq; vexatum. Deinde ejus operae repente a Graecostasi & gradibus, clamorem factis magnum sustulerunt, opinor in Q. Sextilium & amicos Milonis incitatae. Eo metu injecto repente magna querimonia omnium discessimus; Cic. Ep. ad Quint. Frat. 2. 1.

^k Cum aliquis in dicenda sententia duas pluresve res complectitur: eae si non omnes probantur, postulat ut dividat, id est, ut de rebus singulis referatur. Non est ei qui hoc postulat, oratione longa utendum, ac ne consurgendum quidem utique est. Multi enim sedentes, hoc unum

storation of *Ptolemy* King of *Egypt*, who, being expell'd by his subjects, fled to the *Romans* for help, *Bibulus* gave his opinion, that three legates or deputys should restore the king. One of the members demanded a division, upon which there arose these two questions: first, Whether the king should be restored by an army? and then, Whether by three deputys? The former was carried, and the latter thrown out; so they went upon a second opinion. ¹

The Consul might, if he pleased, open the debate with a speech, or take any other opportunity to speak, which he judged most proper, and was always heard with great attention. When *Cicero* was Consul, he spoke upon several great and urgent occasions, by which he gained immortal honour, and did the greatest service to his country. The day he entered upon the execution of his office, he spoke against the Agrarian law, which *Rullus*, a Tribune of the people, attempted with great warmth! and so effectually convinced the Senate, and afterwards the people of the pernicious consequences of it, that the Tribune was forced to desist. At the conclusion of the year, he made two speeches in the Senate upon *Catiline's* conspiracy. In the first he informed the house more fully of it; and gave *Catiline*, who was present, such undeniable proofs that he was perfectly acquainted with all his measures, and so closely rallied him upon it, that he forced him to quit the city; which was the thing he aimed at. The second was in the debate about punishing the conspirators.

In cases of moment, the Consul asked every Senator his opinion, which he was obliged to give, or fall in with the
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verbum pronuntiant *divide*. Quod cum tionem dividere. *Asc. Pedian. in Orat.*
auditum est liberum ei qui fecit ora- *pro Milone.* ¹ *Cic. ad Lentulum, 1, 2.*

opinion of one who had spoke before; only he might offer some amendment; or, instead of giving his opinion, might propose something that he thought was for the common good: which custom, as *Tacitus* says, continued some time after the change of the government by the Emperors. ^m When they had all spoke their opinions, the Consul took their votes in this manner; he first put the question upon that opinion which he liked best, and generally pitched upon one that was delivered in the plainest and closest terms, and then said, You that are of this opinion, go there, pointing with his finger to a particular part of the house; You that are of all other sentiments, go there. They never made use of the words *no* or *contrary*, which were thought to carry an ill sound, as if some secret mischief lurked under those unlucky terms. If the majority was for it, a decree immediately passed; and the names of the principal Senators who were for it were subscribed, to give it the greater weight: if not, it was thrown out for the present, and after some time might be brought in again.

In cases of less importance, they did not spend time to ask every Senator's opinion, but put the question presently after the house was informed of the nature of the thing; but used the same form as in the other cases: so that the Senators always rose, and left their places; and no decree could pass without this ceremony, tho' it was carried *nemine contradicente*. ⁿ But it was reckoned very illegal to take this concise method

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^m Erat quippe adhuc frequens senatoribus, siquid e republica crederent, loco sententiae promere. *Tacit. Annal.* 2.

ⁿ Senatusque consultum fieri duobus modis; aut per discessionem, si consentiretur; aut si res dubia esset per singulorum sententias exquisitas. *A. Gel.* 14. 7.

in an affair of any consequence : for instance, a supplication or thanksgiving to the Gods, in the name of any General who had obtained a victory, which was frequently the prelude to a triumph, ought not to pass without consulting each Senator particularly upon it ; therefore *Cicero* inveighs against *M. Anthony*, for complimenting *Lepidus* in such a manner as none ever presumed to do before. °

When a Senator had given his opinion, he was not obliged to stand to it ; they always left room for conviction and persuasion by those that came after : and sometimes they were frightened into an alteration of their sentiments by the menaces and insinuations of some bold aspiring men. ^p When the Senate had in a full house voted the associates of *Catiline* guilty of high-treason, and expressed the utmost indignation against them, *Cicero* the Consul soon after referr'd to their consultation, what measures were proper to be taken with them. *Silanus*, who was at that time elected Consul, was first asked his opinion, who gave it, that every one of them should be put to death ; most of the consular rank were of the same mind : but when it came to *Caesar's* turn to speak, he was quite of another mind, and endeavoured to draw the house into more mild and gentle measures ; and so severely reflected upon what *Silanus* had said, that he presently began to soften his opinion, under a pretence of explaining himself, as if it had been taken in too harsh a sense ; or as others relate, fell in with the opinion of *Tiberius Nero*, who thought that they should be kept in custody till *Catiline* was subdued,

° Allato nuntio de legione quarta, esset antea nunquam. *Cic. Phil.* 3. 9.
mente concidit, & fugere festinans,
senatus consultum de supplicatione
per discessionem fecit, cum id factum

^p Marcellus perterritus convitijs a
sua sententia recessit. *Caesar. Com.*

dued, and then that the house should take cognisance of the whole affair. *Caesar* refined upon this opinion, and added, that their goods should be confiscated, their persons secured in the strongest cities of *Italy*; and that no one should refer to the Senate, or transact with the people on their behalf: and if any one should presume to do otherwise, he should be accounted an enemy to his country.

He likewise took pains to insinuate, that the severity and cruelty of putting these criminals to death was not warranted by law; and might hereafter, if the power should come into the hands of weak men, be made a precedent to destroy the innocent as well as the guilty: for they had known times when the Consuls sword, being once drawn against the lives of *Roman* citizens, spared good men no more than bad; and none could tell where it would end. This speech gave a very great turn to the house, and made the Consul's friends very uneasy about the event of their present debate. ^a

Upon which *Cicero* took this opportunity to speak himself, and with great expressions of respect to *Caesar*, endeavoured to recover the house to their former sentiments, when they had unanimously declared them all worthy of death. He shewed them, that clemency in this case was cruelty to their country, to their families and posterity: That if they took gentle measures, they must sacrifice all religious and civil ties to the safety of those that could not be saved without the utmost hazard of all that was dear to themselves, and their country's friends; and desired, that no regard to him might influence them to spare men, who being guilty of the most horrid treason, could have no manner of pretensions to the rights of *Roman* citizens. The

^a *Sallust. de bello Catilin.*

The house still continued wavering, till *Cato* being asked in his place, told them, he was astonished to see them hesitate in so plain a case, when the life and soul of the republic lay at stake. He reflected as sharply upon *Caesar* as he had done upon others, and told them, that since *Caesar* apprehended no danger, there was much more reason why *they* should; that mercy would be the ruin of them all; and concluded with so much clearness, strength and bravery, that these inhuman parricides should be all taken off, that as soon as he had finished, and sat down, all of the consular dignity, and many of the rest, declared themselves entirely of his opinion; and blaming one another for their timidity, ascribed all the honour to the bravery of *Cato*: immediately a decree passed to confirm what he said; and the same day they were all executed. *

There were divers methods made use of in this august assembly to hinder a thing from passing into a decree, which gave room for art and policy, and caused many warm disputes.

A magistrate of equal authority with him who held the Senate had power to interpose, and so to put a stop to their proceedings; as when peace with *Carthage* was debated, and the house universally appeared for it, *Lentulus* the Consul interposed, and therefore it could not pass. Thus one Consul was frequently a check upon the other, and with this view the two great parties at *Rome* were very zealous to join one of their own, when they saw a person of the other party like to be chose. Therefore the Senate set up *Bibulus* with *Caesar*, fearing that if he had a colleague of his own mind, nothing would be so desperate and extravagant that he would

* *Sallust. de bello Catilin.*

would not attempt; for he had sufficiently discovered his ambitious designs, and ingratiated himself so far with the people, that they had reason to fear the consequences, and therefore, authorised *Bibulus*, who was zealous for their rights, to bid as much for the Consulship as he, and many of them contributed money; and *Cato* himself thought this instance of bribery allowable, and for the common good; tho' after all, they had the mortification to see the edicts and protests of their friend utterly ineffectual. ^f

The Tribunes of the people, who were supported by all the commons of *Rome*, had likewise the power of interposing; for tho' they were much inferior, in respect of their dignity, to the Consuls or Praetors, yet they represented the people, who had, by the constitution of *Rome*, greater power than the Senate themselves; and these officers were very forward to make use of it to annoy and hinder the Senate, and frequently without any manner of foundation. There were ten of them, and if only one interposed, a decree of the Senate could not pass.

It was a monstrous absurdity, that a single person, sometimes chose from the meanest of the people, should be capable of putting a negative upon the proceedings of a Senate composed of the greatest persons in the commonwealth,
men

^f Luceium sibi adjunxit; pactus ut is quoniam inferior gratia esset pecuniaque polleret, nummos de suo, communi nomine per Centurias pronuntiaret. Qua cognita re, optimates quos metus ceperat, nihil non ausum eum in summo magistratu, con-

cordi & consentiente collega, auctores Bibulo fuerunt tantundem pollicendi: ac plerique pecunias contulerunt, ne Catone quidem abnuente, eam largitionem e republica fieri. *Sueton. in Caesare* 19.

men who had served in the highest offices, civil and military; yet, when a decree passed, after the maturest deliberation, and upon the best reasons, he could annul it, by tacking only a single word to it, *VETO, I forbid it*. Greater imperiousness can hardly be practised by the most absolute sovereigns. When he had done this, the resolution of the Senate had no manner of force, but dwindled into a piece of advice, or declaration. It was called indeed, *Senatus auctoritas*,^{*} but had no other effect than to shew the mind of the Senate; which they were very ready to publish to the people, that, if they approved of it, they might take the hint to pass a law upon it, and see the unreasonableness of their Tribunes. But in this case the Senate, in comparison of the people, were like a minority that could do no more than enter their protest.

These Tribunes were the tools that aspiring men frequently made use of to hamper the Senate, and to promote their pernicious designs. There was scarce a man of considerable note and influence but could get one or two into his interest; however, at worst, they were to be purchased, which very much helped to introduce the utmost confusion: for, at last, it became a very difficult thing for the Senate, which certainly consisted of the wisest and best men at *Rome*, to carry any point, to favour and reward the friends of the state, or to suppress the insolence of its enemies.

Yet the Senate had some methods to check and curb them, which upon some occasions they made use of to very good purpose.

The

^{*} De his rebus pridie quam haec nius intercessissent tamen est per-
scripti senatus auctoritas gravissima scripta. *Cic. ad famil. 1. 2.*
intercessit: cui cum Cato, & Cani-

The most prevalent remedy was to create a Dictator. Another method, which was of a very long standing, and frequently practised, was to get some of the Tribunes into their interest; for it was a hard case if they could not meet with one honest man out of ten. *

Sometimes the Consuls themselves, or others of great authority and influence in the house, would enter the lists with the Tribunes, and by fair arguing make them ashamed of their opposition, or by soft and gentle management engage them to silence.

And if they apprehended opposition from that quarter before-hand, and the case was very plain, they provided against it by a resolution of the house, that the authors of such opposition should be answerable for the consequences of it; which kept them in awe. Thus *Pompey* gave his opinion for recalling *Cicero*, then in exile, with the addition of this clause, *That if any hindered it, he should be counted an enemy to his country.* † And when the rebuilding of *Cicero's* house was ordered by the Senate, and restitution to be made for the damage he suffered, the house came to this previous resolution, *That if any violence was committed on that account, it should be charged on those that opposed the decree.* ‡

I

There

* Quod enim est tam desperatum collegium in quo nemo e decem sana mente sit. *Cic. de Legg.* 3. 10.

† Cn. Pompeio auctore, & ejus sententiae principe. Ut si quis impedisset reditum meum in hostium numero putaretur: iisque verbis ea de me senatus auctoritas declarata est. *Cic. in Pisonem* 15.

‡ Cum sententiae gravissimae dicerentur, senatui placere mihi domum restitui, porticum Catuli locari; auctoritatem ordinis ab omnibus magistratibus defendi: si quae vis esset facta senatum existimaturum ejus opera factum esse, qui S. C. intercessisset. *Cic. ad Attic.* 4. 2.

There was one very extraordinary method of hindering any affair, and preventing the Senate from coming to a resolution, which was only in the power of some great speakers; and that was by speaking it to take up the whole time allowed for the Senate to sit. It was an inviolable rule, as I have said before, that no business could be done after sun-set: When therefore, any member was asked his opinion, he being at liberty to speak whatever he saw fit before he gave it, might, if he had words at command, and especially at the latter end of the day, in a manner domineer over the Senate by an harangue, that had no other meaning or design but to keep them from the business before them. *Clodius* was very famous this way, when any good thing was on the carpet; and *Cato* had as good a talent at it, when any mischief was going forward.

One day, when the Senate was deliberating about rebuilding *Cicero's* house, which was demolished at the time of his banishment, and both brought about by the illegal proceedings of *Clodius*, he had a great mind to hinder it, but had no other way to do it than by talking out the time: for the objections he had raised, from the ground's being consecrated since the demolition of the house, were answered by the college of priests; and as many of them as were Senators came into the Senate to vote for it there: and scarce a man besides himself opposed it. So that his only refuge lay in a spirit of volubility and contradiction; and he was so well furnished with these talents, that he held on for almost three hours, and had not finished then, but the house was quite surfeited, and would hear him no longer. On

^a Cum ad Clodium ventum esset, fere dixisset, odio & strepitu senatus cupijt diem consumere, neque ei finis coactus est aliquando perorare. *Ep. ad Attic. 4. 2.*

On the other hand, there is a remarkable story of *Cato*, and very much to his honour. When *Caesar* was Consul, he endeavoured to carry an *Agrarian law*, which he had contrived with the utmost care to please the people, without offending the Senate; and brought it into the Senate first, that if they saw any thing amiss, they might correct and alter it as they saw fit, before it was carried to the people. He had indeed avoided the extremes that were usually contained in these laws; however, he could not so palliate the matter, but it appeared plain enough that his design was to lessen the power of the Senate-party, and to advance his own interest and authority with the people, which was already grown exorbitant and dangerous. When it therefore came to *Cato's* turn to speak, he declared himself utterly against all such innovations, and made use of his right to speak as long as he pleased, to divert the house from passing a decree of so mischievous a tendency. The Consul seeing he did not give over, called the Serjeant, and ordered him to seize him as he was speaking, and take him into custody; the Senate, surprised at so bold an attack upon their rights and privileges, arose, and resolved to attend him, as if they thought *Cato's* presence made the Senate, and that a prison where *Caesar* deprived them of their liberty. But *Caesar* was too great a master of politicks to persist in a thing so illegal and odious, therefore presently altered his mind, and ordered *Cato* to be set at liberty. ^b

Thus

^b *Caesar* consul viatorem vocavit; eumque cum finem non faceret, prehendi loquentem, & in carcerem duci jussit, senatus consurrexit: prosequetur Catonem in carcerem, hac inquit invidia facta *Caesar* destitit & mitti Catonem jussit. *A. Gell. 4. 10.* & *Dion. Cass. lib. 38.*

Thus this brave man fulfilled that old observation quoted by *Cicero*, He that hinders an ill design, ought to be regarded as a sort of deliverer among his countrymen.

There were several other obstacles that might hinder the Senate from passing a decree: for instance, if they met upon a wrong day, or in a place not duly consecrated; or if there were not a sufficient number of Senators present; ^d or any one present who had no right to be there. Sometimes the whole time was spent in contests and disputes, ^e and at other times religious ceremonies were offered as a bar to their proceedings.

^c *Intercessor rei malae, salutaris civis esto. Quis non studiose reipub. subvenit, hac tam praeclara legis voce laudatus. Cic. de Legg. 3. 19.*

sint senatores, quo numero liceat praescribi senatus consultum. *Festus in V. numera.*

^d *Numera senatum ait quisvis senator consuli, cum impedimento vult esse, quo minus faciat S. C. postulatq; ut aut res quae referuntur, dividantur; aut singuli consulantur, aut si tot non*

^e *Ejus orationi vehementer ab omnibus reclamatum est. Consules neq; concedebant neq; valde repugnabant, diem consumi volebant: id quod est factum. Cic. Ep. ad Lent. 2.*

ERRATA.

Page 5. line 4. not. col. 1. read consulatam. page 6. line 3. not. col. 2. read ὁμοῦς.

F I N I S.